

Defendants.

) Civil Action No. 10 - 554
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) District Judge Arthur J. Schwab
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MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (ECF No. 1) on May 3, 2010, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 23, 2010 (ECF No. 15) recommending that the Complaint be dismissed for failure to prosecute and that the Motion to Dismiss filed by Defendant Jeffrey A. Beard (ECF No. 13) be denied as moot. Plaintiff was served with the Report and Recommendation at the address he provided to the Court and was advised that he had until October 12, 2010 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of October, 2010;

IT IS HEREBY ORDERED that the Complaint is **DISMISSED** for failure to prosecute.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (ECF No. 13) is **DENIED** as moot

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 15) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Arthur J. Schwab
United States District Judge

cc: Jessy L. Radcliff
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